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February 1, 2021

Via ECF

Honorable James J. Garrity, Jr.
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

RE: *In re Orly Genger*, Case No.: 19-13895-jlg

Dear Judge Garrity:

This firm represents Sagi Genger ("**Sagi**") and TPR Investment Associates, Inc. ("**TPR**") in the above-referenced Chapter 7 case. We write to join the request of the Trustee (see Docket No. 340) that the Court schedule a status conference in the near future.

As Your Honor is aware, this case was commenced in July 2019 in the Western District of Texas, shortly before the Debtor was to file her opposition to Sagi's turnover motion before the District Court. In November 2019, the Texas Court granted Sagi's motion to transfer venue to this Court and left this Court to decide the portion of Sagi's motion that sought to dismiss the case. Your Honor conducted status conferences in March and May 2020. In April 2020, we filed an amended Motion to Dismiss to update the factual allegations therein and to remove the references to venue transfer.

At the May 22, 2020 status conference, Your Honor scheduled a hearing on the Motion to Dismiss for July 21, 2020. However, various disputes arose on account of (a) the refusal and/or failure of certain parties to comply with their discovery obligations and (b) an assertion by various parties that Sagi and the other parties seeking to undo the Debtor's fraudulent transfers do not share a common interest privilege in connection therewith. As a result, the hearing on the Motion to Dismiss has been adjourned various times. Sagi (among others) expended significant time and resources preparing to litigate the Motion to Dismiss in anticipation of the scheduled hearings.

On October 30, 2020, the Court held a hearing to consider arguments regarding certain of the discovery disputes, including the common interest privilege issues and the Trustee's failure to produce any documents responsive to Sagi's discovery requests (other than a handful of documents that Sagi had provided to the Trustee). Resolution of these disputes would pave the way for the hearing on the Motion to Dismiss to proceed.

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While this case remains on hold, the recipients of the fraudulent transfers from the Debtor continue to enjoy the benefits of those transfers, while her rightful creditors remain unpaid. Furthermore, the two-year statute of limitations under Section 108 of the Bankruptcy Code will expire in July. Without a ruling on the Motion to Dismiss or the Trustee's "settlement" motion – each of which require further briefing – it is unclear how the fraudulent transfer actions will be prosecuted prior to the expiration of that period.

Also impacted are TPR and Michael Oldner (the trustee of the Orly Genger 1993 Trust), both of whom filed (unrelated) Motions for Relief from Stay (Docket No. 322, 258) on July 30, 2020 and June 8, 2020, respectively. The TPR motion relates to a settlement between TPR and Arie Genger that the Chapter 7 Trustee (incorrectly) asserts violates the automatic stay. The Oldner motion relates to litigation by the Orly Trust against various non-debtors. In both instances, the Court cited resolution of the Motion to Dismiss as potentially resolving those motions and therefore adjourned hearings thereon. Without further guidance from the Court, TPR is unable to fully comply with its settlement agreement with Arie and the Orly Trust is blocked from pursuing its claims.

We respectfully join the trustee's request that the Court schedule a status conference expeditiously.

Respectfully submitted,

/s/ Thomas A. Pitta
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cc: All Counsel of Record (via ECF)